

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 03-CR-10361-RWZ-03

UNITED STATES

v.

SCOTT FINK,
Defendant

**MOTION FOR LEAVE TO FILE HEREWITH
DEFENDANT'S MOTION TO DISMISS SUPERSEDING INDICTMENT OR,
ALTERNATIVELY, STRIKE SURPLUSAGE FROM INDICTMENT
AND MOTION FOR LEAVE TO SUBMIT SUPPORTING MEMORANDUM**

The defendant Scott Fink has prepared a motion to dismiss superseding indictment or alternatively to strike the Notice of Additional Factors, intended to address Blakely issues. The defendant's counsel is working on a memorandum of law in support of the motion, and has not had time to complete it in light of his other commitments. The defendant requests until October 8 to file his supporting memorandum. The defendant further requests that he be permitted to file his motion herewith. It was due on September 17, but his counsel was preoccupied with a different case to which he had recently been appointed which required some immediate attention.

Respectfully submitted

The defendant Scott Fink
By his counsel


Charles W. Rankin
BBO No 411780
Rankin & Sultan
One Commercial Wharf North
Boston, MA 02110
(617) 720-0011

September 23, 2004

CERTIFICATE OF SERVICE

I certify that I have served the foregoing upon counsel of record by delivering a copy to AUSA William Weinreb on September 23, 2004.



Charles W. Rankin